

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DENNIS MONTGOMERY, et al.,)	3:06-CV-0056-PMP-VPC
)	
Plaintiff(s),)	<u>MINUTES OF THE COURT</u>
)	
vs.)	
)	DATED: September 10, 2008
ETREPPID TECHNOLOGIES,)	
LLC, et al.,)	
)	
Defendant(s).)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann Court Reporter: None Appearing

Counsel for Plaintiff(s): None Appearing

Counsel for Defendant(s): None Appearing

The Court has reviewed the notice by counter-defendants Edra Blixseth and OpSpring LLC re potential inability to appear promptly at 9:00 a.m. for the commencement of the September 15, 2008 settlement conference (#840).

Counsel for Ms. Blixseth is ordered to file a notice no later than **Friday, September 12, 2008** at **noon P.D.T.** to advise the Court of Ms. Blixseth's travel arrangements so the Court can issue a final order concerning the commencement of the settlement conference scheduled for Monday, September 15, 2008.

The United States has filed its notice that it will appear at the settlement conference through counsel, Carlotta Wells and Raphael Gomez (#846).

On September 9, 2008, interested party Michael Flynn, Esq., contacted the deputy court clerk to inquire whether his presence at the settlement conference is required.

The parties are ordered to file a notice no later than **Thursday, September 11, 2008 at 5:00 p.m. P.D.T.** to advise the Court whether they consent to Mr. Flynn's attendance at the settlement conference. If the Montgomery parties or eTreppid opposes Mr. Flynn's attendance, he shall not participate in the settlement conference.

In the joint proposal concerning potential dispute resolution (#830), the parties advised the Court of their positions regarding a settlement conference with this Court. At the September 5, 2008, evidentiary hearing, counsel for the Montgomery parties and eTreppid asked the Court to schedule

Dennis Montgomery, et al., v. eTreppid Technologies, LLC, et al.
3:06-CV-00056-PMP-VPC
September 10, 2008
Page 2

a settlement conference with those parties, notwithstanding Mr. Sandoval and Atigeo LLC's position that they did not favor a settlement conference at this time. Local counsel for Mr. Sandoval and Atigeo, LLC was present during this hearing and raised no objections to the proposed dates of the settlement conference or to its format.

On September 9, 2008, Mr. Sandoval and Atigeo, LLC filed a notice regarding their availability to attend the settlement conference (#845). Counsel for Mr. Sandoval and Atigeo, LLC may attend the settlement conference, but to the extent they wish to participate in settlement negotiations, they may do so only if Mr. Sandoval is present in person. If Atigeo, LLC has a representative planning to attend other than Mr. Sandoval, Atigeo, LLC and its counsel may participate in the settlement conference. To the extent these parties have insurance carriers who wish to be present, they may attend, but are advised that unless the party or party representatives are present, they cannot participate in settlement negotiations. If Mr. Sandoval or Atigeo, LLC decides to participate in the settlement conference in person, settlement conference statements shall be submitted pursuant to the Court's prior order (#838) no later than **Thursday, September 11, 2008 by 4:00 p.m.**

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Lisa Mann, Deputy Clerk